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*Attorneys for Defendant FIA Card Services, N.A.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

Stephanie M. Schroeder,

Plaintiff,

vs.

Bank of America, LLC. A/K/A FIA Card  
Services, N.A.;

Defendant.

Case No.: 9:12-CV-00132-DLC-JCL

**ANSWER TO COMPLAINT**

Defendant hereby answers Plaintiff's Complaint as follows:

1. Paragraphs 1-2 are statements to which no response is required. To the extent that a response is required, Defendant admits those paragraphs.

2. Defendant is without information sufficient to admit paragraph 3 of the Complaint and denies the same.

3. Answering paragraphs 4-5, Defendant admits that jurisdiction and venue is proper.

4. Answering paragraph 6, Defendant admits that it is a furnisher of credit information.

5. Answering paragraph 7, Defendant denies the allegations set forth in Plaintiffs' Complaint.

6. Upon information and belief Defendant admits the allegation set forth in paragraph 8.

7. Defendant denies paragraph 9 as a legally incorrect description of its corporate status.

8. Answering paragraph 10, Defendant denies that is liable to Plaintiff under the Fair Credit Reporting Act.

9. Answering paragraph 11, Defendant admits that it is a furnisher of information under the Fair Credit Reporting Act.

10. Answering paragraph 12, Defendant denies that it is a credit reporter.

11. Answering paragraph 13, Plaintiff has admitted she had an account with Defendant and this paragraph is perjurious.

12. Answering paragraph 14, Defendant denies that it violated Plaintiff's civil rights or the Fair Credit Reporting Act.

13. Answering paragraph 15, Defendant is without information to admit or deny those allegations.

14. Answering paragraph 16, Exhibit A speaks for itself.

15. Answering paragraphs 1-197, Defendant admits that Plaintiff made a complaint to the consumer reporting companies and states that Exhibit B speaks for itself.

16. Defendant is without information sufficient to admit or deny paragraph 20.

17. Defendant denies the allegations set forth in paragraphs 21-23.

18. Answering paragraphs 24-26, Defendant admits it charged off Plaintiff's delinquent account.

19. Defendant denies paragraph 27.

20. Defendant admits that she threatened suit prior to filing but denies that her claims have merit.

21. Defendant denies paragraphs 30-36.

22. Answering paragraph 37, Defendant incorporates its responses to the prior paragraphs.

23. Answering paragraph 38, Defendant admits Plaintiff is a person.

24. Paragraph 39 is portion of a statute and no response is required.

25. Defendant is without information sufficient to admit or deny paragraph 40 and thus denies the same.

26. Paragraph 41 is portion of a statute and no response is required.

27. Answering paragraph 43, Defendant incorporates its responses to the above paragraphs as if fully set forth herein.

28. Paragraph 44 is portion of a statute and no response is required.

29. Answering paragraph 45, Defendant denies that Plaintiff is entitled to damages.

30. Answering paragraph 46, Defendant incorporates its responses to the prior paragraphs as if fully set forth herein.

31. Defendant admits paragraph 47.

32. Paragraph 48 is a statement of law to which no response is required.

33. Defendant denies the allegations set forth in paragraphs 49-50.

34. Answering paragraph 51, Defendant incorporates its responses to the prior paragraphs as if fully set forth herein.

35. Defendant denies the allegations set forth in paragraph 52.

26. Paragraph 53 is a sentence fragment and Defendant denies the same.

27. Paragraph 54 is a statement of law to which no response is required.

28. Defendant admits paragraph 55.

29. Paragraph 56 is a statement of law to which no response is required.

30. Defendant denies the allegations set forth in paragraph 57.

31. Defendant is without information sufficient to admit or deny paragraph 58 thus denies the same.

32. Defendant denies the allegations set forth in paragraph 59.

33. Answering paragraphs 60-63, this count has been dismissed.

34. Defendant denies the allegations set forth in paragraphs 64-65.

35. Answering paragraphs 66 and 67, Plaintiff demands a jury but is not entitled to amend her complaint except by Order of the Court.

### **AFFIRMATIVE DEFENSES**

1. Plaintiff fails to state a claim upon which relief may be granted.

2. Plaintiff has not mitigated her damages, if any.

3. Plaintiff is responsible for her claimed damages.

4. Plaintiff is barred from recovering under the doctrines of unclean hands, estoppel and fraud.

WHEREFORE, Defendant having answered the Complaint, prays as follows:

A. That the Complaint be dismissed with prejudice, and that Plaintiff take nothing by way of the Complaint;

B. For Defendant's costs and expenses expended herein, including any allowable attorney's fees; and

C. For such other and further relief as the Court may deem just and proper.

DATED: April 26, 2013.

CROWLEY FLECK, PLLP

By /s/ Danielle A. R. Coffman

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Attorneys for FIA Card Services, N.A.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was served upon the following counsel of record, by the means designated below, this 26th day of April, 2013.

<input checked="" type="checkbox"/> U.S. Mail	Stephanie Schroeder
<input type="checkbox"/> FedEx	PO Box 442
<input type="checkbox"/> Hand-Delivery	Trego, MT 59934
<input type="checkbox"/> Facsimile	Caliann18@yahoo.com
<input type="checkbox"/> Email	
<input type="checkbox"/> ECF Electronic filing	

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By /s/ Danielle A. R. Coffman

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